## 

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN FISHER,

Defendant.

Case No.: 2:17-cr-00073-APG-GWF

ORDER

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

- 1. Counsel for the Government is currently in trial in *United States v*.
- Frankie Peraza (2:14-cr-229-APG-GWF). Counsel anticipated that the trial would be completed by the current scheduled hearing time and date, but as of the morning of September 14, 2017, trial continues.
- 2. Counsel for the Defendant does not object to the continuance, however Mr. Pitaro is beginning a two-week trial in State court on Monday, and is therefore unavailable for an additional two weeks.
  - 3. The defendant is in custody and but not object to the continuance.
- 4. Additionally, denial of this request for continuance could result in a miscarriage of justice as counsel for the Government is unavailable.

## **ORDER** IT IS FURTHER ORDERED that the hearing scheduled for September 14, 2017 at 1:30 p.m. be vacated and continued to \_\_\_\_\_October 4 \_, 2017 at 9:30 a.m./p.m. DATED this 14th day of September, 2017. United States Magistrate Judge